

**U.S. District Court
Wisconsin Eastern**
JUN 10 2022
**FILED
Clerk of Court**

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

• 517 East Wisconsin Ave, Milwaukee, WI 53202 •

UNIFIED U.S. COMMON LAW GRAND JURY, on behalf of
Ann M. Retzlaff

Petitioner

- against -

Judge Michael K. Moran, Gregory A. Parker,

Respondents

JURISDICTION: Court of Record

Federal Case No. **22-C-0703**

Chief Judge Pamela Pepper

**ACTION AT LAW¹
WRIT HABEAS CORPUS**

Originating Court: Shawano County Circuit Court

Originating Court, Case No: 2021TR001882, 2021CF000195, 2022CF000250

Court of Record: Judicial Oversight – Unified United States Common Law Grand Jury
United States District Court for the Northern District of New York
445 Broadway, Albany, NY. 12207-2936

Law Case No. 1776-1789-1791-2019; Depository Case No. 1:16-CV-1490

**Writ of Habeas Corpus Ad Testificandum²
Order to Show Cause And Writ Certiorari³**

NOTICE IS HEREBY GIVEN to the Court and all interested parties that above Court of Origin is removed to the above said United States District Court of Record for Habeas Corpus for Cause in violation of Amendments IV, V, VI & VII. All said violations arose from the Bill of Rights and therefore, the proper venue for hearing a Habeas Corpus is an Article III Court that was vested with the jurisdiction via the Constitution for the United States of America.

¹ **AT LAW:** [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

² **HABEAS CORPUS AD TESTIFICANDUM:** At common law, the writ, meaning "you have the body to testify," used to bring up a prisoner detained in a jail or prison to give evidence before the court. *Hottle v. District Court in and for Clinton County*, 233 Iowa 904, 11 N.W.2d 30, 34; 3 Bl. Comm. 130; 2 Tidd, Pr. 809. *Ex parte Marmaduke*, 91 Mo. 250, 4 S.W. 91, 60 Am.Rep. 250.

³ **Writ Certiorari:** Latin meaning to be informed of; to be made certain in regard to; the name of a Writ of Review or Inquiry. *Leonard v. Willcox*, 101 Vt. 195, 142 A. 762, 766; *Nissen v. International Brotherhood of Teamsters, Chauffeurs, Stablemen & Helpers of America*, 229 Iowa 1028, 295 N.W. 858.

Writ Habeas Corpus

Respondents violated petitioners unalienable Right⁴ of Due Process,⁵ unalienable Right to an untainted Grand Jury, unalienable Right to an Untainted Petit Jury, and unalienable Right to be heard in a Natural Law⁶ Court of Record.

JURISDICTION

Each federal judicial district court shall be a court of record known as the United States District Court for the district.⁷ A court of record⁸ is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it and proceeds according to the course of common (natural) law.” Because the petitioner is detained by an inferior court “not of record” that has no subject matter or personam jurisdiction over the petitioner being unlawfully restrained by said court, without a lawful warrant from a competent court. Whereas, the petitioners’ restraint, under the color of law, by said inferior court violated petitioners’ unalienable right of due process protected under Amendment V.⁹ Therefore the above said United States District Court of Record has jurisdiction in this case in “law” that arose under the Constitution,¹⁰ petitioner has the unalienable right of habeas corpus.¹¹ The Common Law so permits the destruction of the abatement of nuisances by summary proceedings.¹²

⁴ **Declaration of Independence:** We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

⁵ **Amendment V:** *No person shall be... deprived of life, liberty, or property, without due process of law;*

⁶ **Common Law** a/k/a Natural Law - As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. [1 Kent, Comm. 492. *Western Union Tel. Co. v. Call Pub. Co.*, 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; *Barry v. Port Jervis*, 72 N.Y.S. 104, 64 App. Div. 268; *U. S. v. Miller*, D.C.Wash., 236 F. 798, 800].

⁷ **USC Title 28 §132:** Creation and composition of district courts: (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district.

⁸ **“A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.” *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229;

⁹ **Amendment V:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

¹⁰ **Article III Section 2:** *The judicial power shall extend to all cases, in law and equity, arising under this Constitution...*

¹¹ **Article I Section 9 Clause 2:** *“The privilege of the writ of habeas corpus shall not be suspended, ...”*

¹² **DESTRUCTION OF THE ABATEMENT OF NUISANCES:** 16Am Jur 2d., Sec. 114 - As to the construction, with reference to Common Law, an important canon of construction is that constitutions must be construed to reference to the Common Law.” The Common Law, so permitted destruction of the abatement of nuisances by summary proceedings and it was never supposed that a constitutional provision was intended to interfere with this established principle and although there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England, adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood.

COURT IS TO TAKE JUDICIAL NOTICE

This is a Natural Law Proceeding under the rules of common law and not a civil law proceeding. Rules are not law; rules are nothing more than prescribed conduct in a particular area. Furthermore, Congress wrote legislation under §2072(b) rendering rule 2 is of no force or effect and thereby null and void.

§2072(b) such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

The Rules Enabling Act and all construction of law upon it is TREASON, governments are instituted among Men, by the People, to secure rights. Whereas, neither congress nor the judiciary has the power or authority to abrogate the unalienable right of Natural Law, this would be Absolute Despotism!

Indictment of a Common Law Grand Jury - Amendment V: *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, nor be deprived of life, liberty, or property, without due process of law;*

Infamous crime - *"A crime punishable by imprisonment in the state prison or penitentiary, with or without hard labor, is an infamous crime, within the provision of the fifth amendment of the constitution that "no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury."*¹³ It is not the character of the crime but the nature of the punishment which renders the crime "infamous."¹⁴ *"Whether an offense is infamous depends on the punishment which may be imposed therefor, not on the punishment which was imposed."*¹⁵

Common Law Impartial Jury - Amendment VI: *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury...* Amendment VII *In suits at common law ... the right of trial by jury shall be preserved...*

Law of the Land - Article VI Clause 2: *This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

Fiction of Law - The 41st Congress acted without constitutional authority an act of fraud, conspiracy and subversion against the United States of America. Only the People can ordain and establish Law¹⁶ and government.¹⁷ Only the People are endowed by the Creator with certain unalienable rights, governments

¹³ Mackin v. U. S., 117 U.S. 348, 6 S.Ct. 777, 29 L. Ed. 909; Brede v. Powers, 263 U.S. 4, 44 S.Ct. 8, 68 L.Ed. 132.

¹⁴ Weeks v. United States, C.C.A.N.Y., 216 F. 292, 298, L.R.A. 1915B, 651. But see Drazen v. New Haven Taxicab Co., 95 Conn. 500, 111 A. 861, 864.

¹⁵ United States v. Moreland, 258 U.S. 433, 42 S.Ct. 368, 370, 66 L.Ed. 700; De Jianne v. U. S., C.C.A.N.J., 282 F. 737, 740; Le Clair v. White, 117 Me. 335, 104 A. 516, 517.

¹⁶ **PREAMBLE:** "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

¹⁷ **GOVERNMENT:** "Republican Government; one in which the powers of sovereignty are vested in the people and are exercised by the people" In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627. Black's Law Dictionary, Fifth Edition, p. 626,

are not! Consequently all latter construction upon the Organic Act of 1871 is as null and void as the Act itself, any court resting upon the same is a de facto court¹⁸ and any judge acting under such fiction of law¹⁹ denies due process²⁰ and is acting in excess of their judicial authority²¹ under color of law²² thereby losing judicial immunity²³ and therefore, any judicial reliance upon the said act is injudicious.

Denial is Treason: The denial of Habeas Corpus is a denial of due process, protected by the 5th Amendment and specifically ordained and demanded by Article I Section 9 Clause 2 “*The privilege of the writ of habeas corpus shall not be suspended*” This is the well-known remedy for deliverance from illegal confinement, called by Sir William Blackstone “*the most celebrated writ in the English law, and the great and efficacious writ in all manner of illegal confinement.*” 3 Bl. Comm. 129. The “*great writ of liberty,*” issuing at common law out of courts of Chancery, King's Bench, Common Pleas, and Exchequer. Ex parte Kelly, 123 N.J.Eq. 489, 198 A. 203, 207.

IT APPEARING THAT THE APPLICANT IS ENTITLED THERETO

Respondents are directed, in accordance with 28 USC §2243, to forthwith release Petitioner(s) from custody. If Petitioner(s) are not forthwith released from custody, then within **THREE (3) CALENDAR DAYS** after service of this Writ, Respondents shall make a Return, certifying the true nature and cause of the detention; and, shall show cause why the Writ should not be granted; faxing the same to (888) 891-8977 no later than 5pm on the last day of the above-stated, three-day (3) period allowed for response.

¹⁸ **DE FACTO GOVERNMENT:** One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. *Worham v. Walker*, 133 Tex. 255, 128 S.W.2d 1138, 1145.

¹⁹ **FICTION OF LAW:** Something known to be false is assumed to be true. *Ryan v. Motor Credit Co.*, 130 N.J.Eq. 531, 23 A.2d 607, 621. that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land. [*Hoke vs. Henderson*, 15, N.C.15,25 AM Dec 677]. A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible. *Best*, Ev. 419.

²⁰ **DUE COURSE OF LAW,** this phrase is synonymous with “due process of law” or “law of the land” and means law in its regular course of administration through courts of justice. - *Kansas Pac. Ry. Co. v. Dunmeyer* 19 KAN 542.

²¹ **EXCESS OF JUDICIAL AUTHORITY:** Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process. [*Cannon v. Commission on Judicial Qualifications*, (1975) 14 Cal. 3d 678, 694]; Society's commitment to institutional justice requires that judges be solicitous of the rights of persons who come before the court. [*Geiler v. Commission on Judicial Qualifications*, (1973) 10 Cal.3d 270, 286].

²² **COLOR OF LAW:** The appearance or semblance, without the substance, of legal right. [*State v. Brechler*, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under “color of state law.” (*Atkins v. Lanning*, 415 F. Supp. 186, 188).

²³ **JUDICIAL IMMUNITY:** “... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument.” ... “In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank.” ... “All law (rules and practices) which are repugnant to the Constitution are VOID.” ... Since the 14th Amendment to the Constitution states “NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law,” this renders judicial immunity unconstitutional. *Marbury v. Madison*, 5 U.S. (2 Cranch) 137, 180 (1803); There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. *Cooper v. O'Conner*, 99 F.2d 133.

American Jurisprudence Constitutional Law §326: Free Justice and Open Courts; Remedy for All Injuries: In most of the State Constitutions there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial; without sale or prejudice; and, that the courts shall always be open to all alike. These provisions are based largely upon the Magna C[h]arta, Chap. 40, which provides: *"We will sell to no man. We will not deny to any man either justice or right."* The chief purpose of the Magna C[h]arta provision was to prohibit the King from selling justice by imposing fees on litigants through his courts; and, to deal a death blow to the attendant venal and disgraceful practices of a corrupt judiciary in demanding oppressive gratuities for giving or withholding decisions in pending causes. It has been appropriately said that in a free government the doors of litigation are already wide open; and, must constantly remain so. The extent of the constitutional provision has been regarded as broader than the original confines of Magna C[h]arta; and, such constitutional provision has been held to prohibit the selling of justice, not merely by magistrates, but by the State itself.

Respondents shall mail the Return by United States Post Office their response within three days to the petitioner/next friend and fax a copy of the same to the Grand Jury at (888) 891-8977. The Return must be signed, and sworn to by the person making the same; and, except when such person is a sworn public officer, and makes such Return in his official capacity, it must be verified by their oath. The applicant, or the person detained, may, under oath, deny any of the facts set forth in the Return, or allege any other material facts. Respondents must each state in their Return under oath, plainly and unequivocally:

- 1) Whether or not they have the party, herein-named as petitioner, in their custody, or under their power, or restraint.
- 2) If they have the party in their custody, or power, or under his restraint, they must state the authority, and cause of such imprisonment, or restraint.
- 3) If the party is detained by virtue of any sworn Writ, Warrant, or other written authority, a sworn copy thereof must be annexed to the Return; and, the original produced, and exhibited to the Court, or Magistrate on the Hearing of such Return. All unsworn documentary evidence will be refused for cause as hearsay.
- 4) If the person upon whom the Writ is served had the party in their power, or custody, or under their restraint at any time prior, or subsequent to the date of the Writ of Habeas Corpus; but, has transferred such custody, or restraint to another, the Return must state particularly to whom, at what time and place, for what cause, and by what authority such transfer took place.
- 5) The Return, and all suggestions made against it, may be amended, by leave of court, before, or after being filed.
- 6) When the Writ or Order is returned, a day shall be set for a Hearing that is not more than three (3) days after the Return, unless for good cause additional time is allowed.
- 7) Provide proof of jurisdiction for the originating court.
- 8) Does the originating court proceed by statutes and rules or does the originating court proceed according to natural law?
- 9) Because the Petition presents issues of fact, as well as issues of law, if Petitioner(s) are constrained by actual physical force, then the Jailer is required to produce, at the Hearing, the body of the person detained.

- 10) Was an Indictment procured without the signature of a Grand Jury Foreman?
- 11) Did a Grand Jury answer a questionnaire before being chosen? If so, provide a copy.
- 12) Was a petit jury instructed that statute violations are law?
 - a. Was documented proof of a crime submitted to a jury? If so, provide a copy.
 - b. Was a petit jury advised of their unalienable right of nullification?
 - c. Did jury members answer a questionnaire before being chosen? If so, provide a copy.
- 13) Are there any Affidavits from a witness? If so, provide a copy.
- 14) Are there any Affidavits from an injured party? If so, provide a copy.
- 15) Answer all charges in petitioner's Petition, attached.
- 16) Rebut petitioners Affidavit, attached.
- 17) True or false concerning the originating court:
 - a. proceeded according to equity and not Natural Law,
 - b. is holding the petitioner to answer without an indictment,
 - c. the petitioner was tried by a untainted common law petit jury of 12 People,
 - d. a Petit Jury answer a questionnaire before being chosen? If so, provide a copy,
 - e. the court proceeded in jurisdictions unknown, if not state the jurisdiction,
 - f. is a Court of Record,
 - g. is an equity court,

The Court is to notify petitioner/next friend by mail and phone and the Grand Jury by fax (888) 891-8977 to inform them as to the time and date of the Hearing to be held at the above-said courthouse.

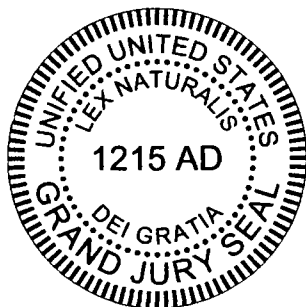
At the Hearing, the Chief Judge shall summarily hear and determine the facts, shall dispose of the matter as law and justice require under the rules of common law as provided for under 16 American Jurisprudence 2d., Sec. 114, and not chancery, and shall mail by United States Post Office a certified copy of decision immediately (within 24 hours) to the petitioner/next friend, and fax a copy of the same to the Grand Jury at (888) 891-8977.

The Chief Judge shall state clearly on the record proving a court of record jurisdiction.

If respondents default and therefore no hearing then the Chief Judge shall confirm release of petitioner(s) and abatement of the originating court and inform by United States Post Office a certified copy of decision immediately (within 24 hours) to the petitioner/next friend and fax a copy of the same to the Grand Jury at (888) 891-8977.

Seal

June 7, 2022



Grand Jury Foreman